

LAW OFFICE OF
ZACHARY MARGULIS-OHNUMA

October 1, 2007

VIA ECF

Sarah Coyne, Esq.
Robert Radick, Esq.
Assistant United States Attorney
Eastern District of New York
One Pierrepont Plaza
Brooklyn, NY 11201

RE: USA v. LoPresti, et al., 07 Cr. 273 (CBA)

Dear Ms. Coyne and Mr. Radick:

This letter is a response to your request for reciprocal discovery pursuant to Rule 16(b). Other than materials you have provided to us, Mr. LoPresti is not in possession of any discoverable material, i.e. any material that we presently intend to offer as part of our case in chief.

However, as you are aware, we are in possession of a relevant investigative report, including interviews and affidavits of U.S. government employees, provided by the walled Assistant United States Attorney Lee J. Freedman. We reserve the right to use these materials to impeach or to rebut the government's case. Although we are not presently offering them in our case-in-chief, it is possible we may in fact do so. Therefore, in an abundance of caution, I am providing these materials to you herewith, redacted to protect Mr. LoPresti's rights under Garrity v. New Jersey, 385 U.S. 493 (1967).

In addition, please be advised that we will provide a summary of expert testimony pursuant to Rule 16(b)(1)(C) when it becomes available.

Finally, with respect to your letter dated today, I note that, despite repeated requests, the government has not provided any incident reports or further information

LAW OFFICE OF ZACHARY MARGULIS-OHNUMA

regarding the March 24, 2002 assault on an officer by Mr. George referenced in the Card File. See RG 323. Please let me know as soon as possible your position with respect to these materials.

Very truly yours,

Zachary Margulis-Ohnuma

Zachary Margulis-Ohnuma

Encls.

CC: Clerk of Court (via ECF)

10/1/2007

Page 2



U.S. Department of Justice

Federal Bureau of Prisons

Metropolitan Detention Center

Brooklyn, New York 11232

March 31, 2003

MEMORANDUM TO: *Michael A. Zenk*
Michael A. Zenk, Warden

FROM: *L. N'Diaye*, Special Investigative Agent

SUBJECT: Salvatore Lopresti, Captain
Scott Roseberry, Correctional Officer

EXECUTIVE SUMMARY

The Special Investigative Agent at the Metropolitan Detention Center in Brooklyn, New York, concluded an inquiry for the Office of Internal Affairs regarding the allegation of Physical Abuse of an Inmate by Salvatore Lopresti and Scott Roseberry.

As a result of this inquiry, the allegation made against Mr. Lopresti and Mr. Roseberry is not sustained.

SOURCE OF ALLEGATION

On November 13, 2002, at approximately 11:15am, inmate George, Robert 00177-005 attempted suicide by tying a bed sheet around his neck while he was in the Special Housing unit. Staff entered his cell in order to prevent inmate George from causing bodily harm to himself. When staff entered the cell, inmate George began attacking and hitting staff. Staff gained control of inmate George and placed him on suicide watch. During an interview with the Chief Psychologist, inmate George alleges that he was not attempting suicide and staff entered his cell and banged his head against the floor because he would not take a hat off of his head.

Inmate George stated Salvatore Lopresti, Captain, Scott Roseberry, Correctional Officer, and six other people entered his cell.

INVESTIGATION

Inmate Robert George 00177-005 statement was taken from a memorandum submitted by Diana Guerrero, Chief Psychologist, dated November 14, 2002. Inmate George made the following statement:

Inmate George stated he did not try to hang himself and he did not put any item around his neck. Inmate George further stated the Captain and an AW were making rounds and asked him to take his hat off and he refused. Inmate George said sometime later the Captain, Officer Roseberry and six or seven other people, entered his cell and hit his head against the floor. Inmate George also said the staff members then yelled out that he tried to hang himself. Inmate George stated he did not make any ropes to hang himself.

On March 5, 2003, the Special Investigative Agent conducted an interview with **Alfred Santana, Correctional Officer** concerning the events that had taken place on November 13, 2002. Mr. Santana made the following statement:

Mr. Santana stated he is employed as a Correctional Officer at the Metropolitan Detention Center in Brooklyn, New York. Mr. Santana further stated he was making rounds on the range and inmate George informed him that he was going to hang himself. Mr. Santana said he ran to the telephone to call Lieutenant Tassio for assistance. Mr. Santana also said he then went back to inmate George's cell and he had sheets tied to the tee bar in the cell and was putting the sheet around his neck. Mr. Santana stated he opened the cell door when Captain Lopresti, Lieutenant Tassio, Officer Peterson, and Officer Roseberry arrived on the range. Mr. Santana further stated they entered the cell to remove the sheet from inmate George's neck and he became combative. Mr. Santana said he (George) struck the Captain in his face. Mr. Santana also said they then placed inmate George on the ground and he continued to struggle with them. Mr. Santana stated they placed inmate George in restraints and gained control of him. Mr. Santana further stated they then escorted inmate George to be examined by medical staff. Mr. Santana said he did not witness any staff member physically abuse inmate George.

On March 5, 2003, the Special Investigative Agent conducted an interview with **Scott Roseberry, Correctional Officer** concerning the events that had taken place on November 13, 2002. Mr. Roseberry made the following statement:

Mr. Roseberry stated he is employed as the Correctional Officer at the Metropolitan Detention Center in Brooklyn, New York. Mr. Roseberry further stated he was in SHU and Officer Santana called for assistance on the radio.

Mr. Roseberry said Officer Santana was pointing at inmate George's cell door. Mr. Roseberry also said when they looked in the door, inmate George had a sheet around his neck and the sheet was tied to the bars on the window. Mr. Roseberry stated he entered the cell with Captain Lopresti, Lieutenant Tassio, Officer Peterson, and Officer Santana. Mr. Roseberry further stated they went to take the sheet from around inmate George's neck and he began swinging his arms in a violent manner at staff. Mr. Roseberry said inmate George punched Captain Lopresti in his face. Mr. Roseberry also said they took the sheet from him and placed him on the ground to gain control of him. Mr. Roseberry stated inmate George was struggling with them while he was on the ground and he tried to bite Officer Peterson. Mr. Roseberry further stated they placed inmate George in restraints along with a helmet on his head and escorted him to the hospital. Mr. Roseberry said he did not physically abuse inmate George nor did he witness any staff member physically abuse inmate George. Mr. Roseberry also said they used enough force on inmate George to control the situation because he was assaulting and attacking staff.

On March 5, 2003, the Special Investigative Agent conducted an interview with **Kirk Gittens, Correctional Officer** concerning the events that had taken place on November 13, 2002. Mr. Gittens made the following statement:

Mr. Gittens stated he is employed as the Correctional Officer at the Metropolitan Detention Center in Brooklyn, New York. Mr. Gittens further stated he heard Officer Santana call for assistance on the radio. Mr. Gittens said he was working on the other range in SHU. Mr. Gittens also said when he arrived at inmate George's cell, several staff members had him on the ground and he was moving on the ground. Mr. Gittens stated staff in the cell had already placed handcuffs on him and he held his legs until staff placed leg irons on him. Mr. Gittens further stated he then escorted him to the Hospital with other staff. Mr. Gittens said he did not witness any staff member physically abusing inmate George.

On March 5, 2003, the Special Investigative Agent conducted an interview with **Kelly Tassio, Lieutenant** concerning the events that had taken place on November 13, 2002. Ms. Tassio made the following statement:

Ms. Tassio stated she is employed as a Lieutenant at the Metropolitan Detention Center in Brooklyn, New York. Ms. Tassio further stated Officer Santana called for assistance on the range and when he arrived on the range he observed inmate George in his cell with a white sheet tied around his neck that was attached to the window bars. Ms. Tassio said she, along with Captain Lopresti, Officer Roseberry, Officer Peterson, Officer Santana, and Officer Gittens entered the cell to remove the white sheet from around inmate George's neck. Ms. Tassio also said the Captain and Roseberry were the first staff to reach George and he started swinging at them with his fist.

Ms. Tassio stated she saw inmate George strike the Captain in his face with his fist. Ms. Tassio further stated staff in the cell placed inmate George on the ground and he continued to fight them. Ms. Tassio said inmate George attempted to bite Officer Peterson. Ms. Tassio also said they eventually gained control of inmate George and escorted him to the medical Department without further incident. Ms. Tassio stated she never physically abused inmate George and she did not witness any staff member physically abuse inmate George. Ms. Tassio further stated they used the minimum amount of force necessary to gain control of inmate George.

On March 5, 2003, the Special Investigative Agent conducted an interview with **Arcelio Torres, Correctional Officer** concerning the events that had taken place on November 13, 2002. Mr. Torres made the following statement:

Mr. Torres stated he is employed as a Correctional Officer at the Metropolitan Detention Center in Brooklyn, New York. Officer Santana had called for assistance and I had the range keys and I allowed staff onto the range to respond to the emergency. I did not witness the incident with inmate George.

On March 6, 2003, the Special Investigative Agent conducted an interview with **Steven Peterson, Correctional Officer** concerning the events that had taken place on November 13, 2002. Mr. Peterson made the following statement:

Mr. Peterson stated he is employed as the Correctional Officer at the Metropolitan Detention Center in Brooklyn, New York.

Mr. Peterson further stated Officer Santana called for assistance, when staff responded to the cell inmate George had a sheet tied around his neck that was attached to the tee ball on the window. Mr. Peterson said he, Santana, Lieutenant Tassio, Captain Lopresti, and Officer Roseberry entered the cell to remove the sheet from inmate George's neck. Mr. Peterson also said while they were attempting to remove the sheet from inmate George's neck he became very combative and punched Captain Lopresti in the face. Mr. Peterson stated they then placed him on the ground to gain control of him and he continued to fight them. Mr. Peterson further stated inmate George also attempted to bite him. Mr. Peterson said they placed him in restraints and he stopped being combative toward them. Mr. Peterson also said they then escorted him to be medically examined by medical staff. Mr. Peterson stated he did not witness any staff member physically abusing inmate George. Mr. Peterson further stated they used the minimum amount of force necessary to gain control inmate George because he became combative toward them when they tried to remove the sheet from his neck.



ADDITIONAL INFORMATION

Inmate Robert George is currently pending prosecution for assaulting staff at MCC New York and assaulting Salvatore Lopresti. The use of force reports was reviewed and it indicated that the staff involved in the incident with inmate George acted in accordance with the Bureau of Prisons policy for use of force and application of restraints of inmates. Inmate George is currently being housed at the Springfield Medical Facility for a Psychological study.

CONCLUSION

On March 5, 2003, Mr. Santana was interviewed concerning the events that had taken place on November 13, 2002, and he stated he did not witness any staff member physically abuse inmate George.

On March 5, 2003, Mr. Roseberry was interviewed concerning the events that had taken place on November 13, 2002, and he stated he did not physically abuse inmate George nor did he witness any staff member physically abuse inmate George. Mr. Roseberry also said they used enough force on inmate George to control the situation because he was assaulting and attacking staff.

On March 5, 2003, Mr. Gittens was interviewed concerning the events that had taken place on November 13, 2002, and he stated he did not witness any staff member physically abusing inmate George.

On March 5, 2003, Mr. Tassio was interviewed concerning the events that had taken place on November 13, 2002, and she stated she never physically abused inmate George and she did not witness any staff member physically abuse inmate George. Ms. Tassio further stated they used the minimum amount of force necessary to gain control of inmate George.

On March 6, 2003, Mr. Peterson was interviewed concerning the events that had taken place on November 13, 2002, and he stated he did not witness any staff member physically abusing inmate George. Mr. Peterson further stated they used the minimum amount of force necessary to gain control inmate George because he became combative toward them when they tried to remove the sheet from his neck.

NOT FOR PUBLIC RELEASE

Based on the statements from [REDACTED], Mr. Roseberry, Mr. Santana, Mr. Gittens, Ms. Tassio, and Mr. Peterson, along with the use of force reports, the allegation of physical abuse of an inmate is not sustained.

ATTACHMENTS

1) Warning and Assurance to Employee Required to Provide Information Signed by Scott Roseberry, Correctional Officer, dated March 5, 2003.

2) United States Department of Justice, Federal Bureau of Prisons Affidavit signed by Scott Roseberry, Correctional Officer, dated March 5, 2003.

3) Warning and Assurance to Employee Required to Provide Information Signed by ~~XXXXXXXXXXXXXXXXXXXX~~, dated March 10, 2003.

4) United States Department of Justice, Federal Bureau of Prisons Affidavit signed by ~~XXXXXXXXXXXXXXXXXXXX~~, dated March 10, 2003.

5) United States Department of Justice, Federal Bureau of Prisons Affidavit signed by Alfred Santana, Correctional Officer, dated March 5, 2003.

6) United States Department of Justice, Federal Bureau of Prisons Affidavit signed by Kirk Gittens, Correctional Officer, dated March 5, 2003.

7) United States Department of Justice, Federal Bureau of Prisons Affidavit signed by Arcelio Torres, Correctional Officer, dated March 5, 2003.

8) United States Department of Justice, Federal Bureau of Prisons Affidavit signed by Kelly Tassio, Lieutenant, dated March 5, 2003.

9) United States Department of Justice, Federal Bureau of Prisons Affidavit signed by Steven Peterson, Correctional Officer, dated March 6, 2003.

BP-S194.012 WARNING AND ASSURANCE TO EMPLOYEE
REQUIRED TO PROVIDE INFORMATION CDFRM

AUG 01

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

This is an official administrative inquiry regarding misconduct or improper performance of official duties.

This inquiry pertains to: Physical Abuse of an Inmate.

The purpose of this interview is to obtain information which will assist in the determination of whether administrative action is warranted.

You are going to be asked a number of questions regarding the performance of your official duties.

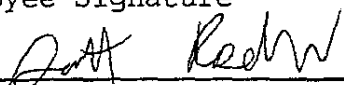
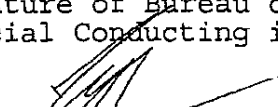
You have a duty to reply to these questions and agency disciplinary action, including dismissal, may be undertaken if you refuse or fail to reply fully and truthfully.

Neither your answers nor any information or evidence gained by reason of your answers can be used against you in any criminal proceeding, except that if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action. The answers you furnish and any information or evidence resulting therefrom may be used in the course of agency disciplinary proceedings which could result in disciplinary action, including dismissal.

If you are a member of the bargaining unit and you believe your rights are being threatened, you may request the presence of a representative. If you desire a representative, no further questioning will take place until your representative is present. However, if your representative is not available within a reasonable period of time, questioning may proceed without a representative being present.

ACKNOWLEDGMENT

I have read and understand my rights and obligations set forth above:

Employee Signature 	Date 3/5/03
Signature of Bureau of Prisons Official Conducting inquiry 	Date 3/5/03

(This form may be replicated via WP)

This form replaces BP-S194 dated AUG 93.

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
MDC Brooklyn, New York 11232

AFFIDAVIT

County of Kings)

:ss#089-72-4091

State of New York)

I Scott Roseberry of the Metropolitan Detention Center (MDC), Brooklyn, New York, make this statement freely without any promises or assurances:

- SR 1. That I have not taken any medication which would preclude me from providing a truthful statement, nor have I consumed any alcoholic beverages nor any illicit drugs prior to being interviewed.
- SR 2. That I do not have a recording device on my person or in my effects and I have been informed that this interview is not being recorded.
- SR 3. That I understand this is an official investigation and should cooperate fully by providing all pertinent information I may have. I understand that I have a duty to reply to questions in this investigation, and disciplinary action, including dismissal, may be undertaken if I refuse to answer or fail to reply fully and truthfully to each question.
- SR 4. That I have cooperated fully with this investigation and I do not know of or have any additional information, that I have not already mentioned, concerning this case. I have been informed that I am not to discuss this interview without the permission of this investigator. I further understand that if I improperly discuss this matter, I may face adverse action to include removal from employment.
- SR 5. I understand this interview and affidavit is concerning the events that took place on November 13, 2002. It is alleged that I physically abused an inmate.

Page 1 of 2

Affiant's Initials SR

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
MDC Brooklyn, Brooklyn, New York 11232

A F F I D A V I T continued:

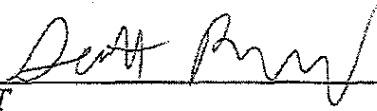
- SR 6. I am employed as the Correctional Officer at the Metropolitan Detention Center in Brooklyn, New York.
- SR 7. I was in SHU and Officer Santana called for assistance on the radio. Officer Santana was pointing at inmate George's cell door. When we looked in the door, inmate George had a sheet around his neck and the sheet was tied to the bars on the window. I entered the cell with Captain Lopresti, Lieutenant Tassio, Officer Peterson, and Officer Santana. We went to take the sheet from around inmate George's neck and he began swinging his arms in a violent manner at staff. Inmate George punched Captain Lopresti in his face. We took the sheet from him and placed him on the ground to gain control of him. Inmate George was struggling with us while he was on the ground and he tried to bite Officer Peterson. We placed inmate George in restraints along with a helmet on his head and escorted him to the hospital. I did not physically abuse inmate George nor did I witness any staff member physically abuse inmate George. We used enough force on inmate George to control the situation because he was assaulting and attacking staff.

//////////////////// END OF STATEMENT //////////////////////

Page 2 of 2 Affiant's Initials SR

OATH


I declare, under the pain and penalty of perjury, that the foregoing statement consisting of 2 page(s) is true and accurate to the best of my knowledge and belief.



AFFIANT

Subscribed and sworn to before me this 5 day of March, 2003.

Authorized by 5 U.S.C. 303
to Administer Oaths



Special Investigative Agent
Federal Bureau of Prisons
MDC Brooklyn

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
MDC Brooklyn, New York 11232

A F F I D A V I T

County of Kings)

:ss#097-66-5854

State of New York)

I Kelly Tassio of the Metropolitan Detention Center (MDC),
Brooklyn, New York, make this statement freely without any
promises or assurances:

- KT 1. That I have not taken any medication which would preclude me
from providing a truthful statement, nor have I consumed any
alcoholic beverages nor any illicit drugs prior to being
interviewed.
- KT 2. That I do not have a recording device on my person or in my
effects and I have been informed that this interview is not
being recorded.
- KT 3. That I understand this is an official investigation and
should cooperate fully by providing all pertinent
information I may have. I understand that I have a duty to
reply to questions in this investigation, and disciplinary
action, including dismissal, may be undertaken if I refuse
to answer or fail to reply fully and truthfully to each
question.
- KT 4. That I have cooperated fully with this investigation and I
do not know of or have any additional information, that I
have not already mentioned, concerning this case. I have
been informed that I am not to discuss this interview
without the permission of this investigator. I further
understand that if I improperly discuss this matter, I may
face adverse action to include removal from employment.
- KT 5. I understand this interview and affidavit is concerning the
events that took place on November 13, 2002. It is alleged
that I witnessed a staff member physically abuse an inmate.

Page of / Affiant's Initials KT

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
MDC Brooklyn, Brooklyn, New York 11232

AFFIDAVIT continued:

6. I am employed as a Lieutenant at the Metropolitan Detention Center in Brooklyn, New York.

7. Officer Santana called for assistance on the range and when I arrived on the range I observed inmate George in his cell with a white sheet tied around his neck that was attached to the window bars. Myself, along with Captain Lopresti, Officer Roseberry, Officer Peterson, Officer Santana, and Officer Gittens entered the cell to remove the white sheet from around inmate George's neck. The Captain and Roseberry were the first staff to reach George and he started swinging at them with his fist. I saw inmate George strike the Captain in his face with his fist. Staff in the cell placed inmate George on the ground and he continued to fight us. Inmate George attempted to bite Officer Peterson. We eventually gained control of inmate George and escorted him to the medical Department without further incident. I never physically abused inmate George and I did not witness any staff member physically abuse inmate George. We used the minimum amount of force necessary to gain control of inmate George.

////////////////// END OF STATEMENT ////////////////////

Page 2 of 2

Affiant's Initials

KT

OATH

I declare, under the pain and penalty of perjury, that the foregoing statement consisting of 2 page(s) is true and accurate to the best of my knowledge and belief.

Kelly Tassie
AFFIANT

Subscribed and sworn to before me this 5 day of March, 2003.

Authorized by 5 U.S.C. 303
to Administer Oaths

[Signature]
Special Investigative Agent
Federal Bureau of Prisons
MDC Brooklyn

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
MDC Brooklyn, New York 11232

A F F I D A V I T

County of Kings)

:ss#111-58-5854

State of New York)

I Arcelio Torres of the Metropolitan Detention Center (MDC), Brooklyn, New York, make this statement freely without any promises or assurances:

- A.T. 1. That I have not taken any medication which would preclude me from providing a truthful statement, nor have I consumed any alcoholic beverages nor any illicit drugs prior to being interviewed.
- A.T. 2. That I do not have a recording device on my person or in my effects and I have been informed that this interview is not being recorded.
- A.T. 3. That I understand this is an official investigation and should cooperate fully by providing all pertinent information I may have. I understand that I have a duty to reply to questions in this investigation, and disciplinary action, including dismissal, may be undertaken if I refuse to answer or fail to reply fully and truthfully to each question.
- A.T. 4. That I have cooperated fully with this investigation and I do not know of or have any additional information, that I have not already mentioned, concerning this case. I have been informed that I am not to discuss this interview without the permission of this investigator. I further understand that if I improperly discuss this matter, I may face adverse action to include removal from employment.
- A.T. 5. I understand this interview and affidavit is concerning the events that took place on November 13, 2002. It is alleged that I witnessed a staff member physically abuse an inmate.

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
MDC Brooklyn, Brooklyn, New York 11232

AFFIDAVIT continued:

A.T. 6. I am employed as a Correctional Officer at the Metropolitan Detention Center in Brooklyn, New York.

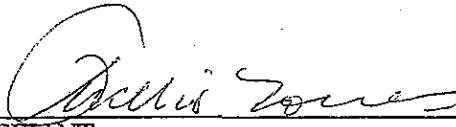
A.T. 7. Officer Santana had called for assistance and I had the range keys and I allowed staff onto the range to respond to the emergency. I did not witness the incident with inmate George.

//////////////////// END OF STATEMENT //////////////////////

Page 2 of 2 Affiant's Initials A.T.

OATH

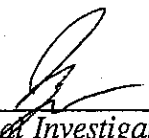
I declare, under the pain and penalty of perjury, that the foregoing statement consisting of 2 page(s) is true and accurate to the best of my knowledge and belief.



AFFIANT

Subscribed and sworn to before me this 5 day of March, 2003.

Authorized by 5 U.S.C. 303
to Administer Oaths



Special Investigative Agent
Federal Bureau of Prisons
MDC Brooklyn

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
MDC Brooklyn, New York 11232

A F F I D A V I T

County of Kings)

:ss#114-60-9861

State of New York)

I Steven Peterson of the Metropolitan Detention Center (MDC), Brooklyn, New York, make this statement freely without any promises or assurances:

1. That I have not taken any medication which would preclude me from providing a truthful statement, nor have I consumed any alcoholic beverages nor any illicit drugs prior to being interviewed.
2. That I do not have a recording device on my person or in my effects and I have been informed that this interview is not being recorded.
3. That I understand this is an official investigation and should cooperate fully by providing all pertinent information I may have. I understand that I have a duty to reply to questions in this investigation, and disciplinary action, including dismissal, may be undertaken if I refuse to answer or fail to reply fully and truthfully to each question.
4. That I have cooperated fully with this investigation and I do not know of or have any additional information, that I have not already mentioned, concerning this case. I have been informed that I am not to discuss this interview without the permission of this investigator. I further understand that if I improperly discuss this matter, I may face adverse action to include removal from employment.
5. I understand this interview and affidavit is concerning the events that took place on November 13, 2002. It is alleged that I witnessed a staff member physically abuse an inmate.

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
MDC Brooklyn, Brooklyn, New York 11232

A F F I D A V I T continued:

SP 6. I am employed as a Correctional Officer at the Metropolitan Detention Center in Brooklyn, New York.

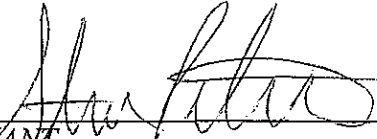
SP 7. Officer Santana called for assistance, when staff responded to the cell inmate George had a sheet tied around his neck that was attached to the tee bar on the window. Myself, Santana, Lieutenant Tassio, Captain Lopresti, and Officer Roseberry entered the cell to remove the sheet from inmate George's neck. While we were attempting to remove the sheet from inmate George's neck he became very combative and punched Captain Lopresti in the face. We then placed him on the ground to gain control of him and he continued to be fight us. Inmate George also attempted to bite me. We placed him in restraints and he stopped being combative toward us. We then escorted him to be medically examined by medical staff. I did not witness any staff member physically abusing inmate George. We used the minimum amount of force necessary to gain control inmate George because he became combative toward us when we tried to remove the sheet from his neck.

//////////////////// END OF STATEMENT //////////////////////

Page 2 of 2 Affiant's Initials SP

OATH

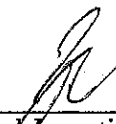
I declare, under the pain and penalty of perjury, that the foregoing statement consisting of 2 page(s) is true and accurate to the best of my knowledge and belief.



AFFIXANT

Subscribed and sworn to before me this 6 day of March, 2003.

Authorized by 5 U.S.C. 303
to Administer Oaths



Special Investigative Agent
Federal Bureau of Prisons
MDC Brooklyn

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
MDC Brooklyn, New York 11232

A F F I D A V I T

County of Kings)

:ss#133-76-1310

State of New York)

I Kirk Gittens of the Metropolitan Detention Center (MDC), Brooklyn, New York, make this statement freely without any promises or assurances:

1. *Kg* That I have not taken any medication which would preclude me from providing a truthful statement, nor have I consumed any alcoholic beverages nor any illicit drugs prior to being interviewed.
2. *Kg* That I do not have a recording device on my person or in my effects and I have been informed that this interview is not being recorded.
3. *Kg* That I understand this is an official investigation and should cooperate fully by providing all pertinent information I may have. I understand that I have a duty to reply to questions in this investigation, and disciplinary action, including dismissal, may be undertaken if I refuse to answer or fail to reply fully and truthfully to each question.
4. *Kg* That I have cooperated fully with this investigation and I do not know of or have any additional information, that I have not already mentioned, concerning this case. I have been informed that I am not to discuss this interview without the permission of this investigator. I further understand that if I improperly discuss this matter, I may face adverse action to include removal from employment.
5. *Kg* I understand this interview and affidavit is concerning the events that took place on November 13, 2002. It is alleged that I witnessed a staff member physically abuse an inmate.

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
MDC Brooklyn, Brooklyn, New York 11232

~~AFFIDAVIT~~ continued:

6 ~~Key~~ I am employed as a Correctional Officer at the Metropolitan Detention Center in Brooklyn, New York.

7 ~~Key~~ I heard Officer Santana call for assistance on the radio. I was working on the other range in SHU. When I arrived at inmate George's cell, several staff members had him on the ground and he was moving on the ground. Staff in the cell had already placed handcuffs on him and I held his legs until staff placed leg irons on him. I then escorted him to the Hospital with other staff. I did not witness any staff member physically abusing inmate George.

//////////////////// END OF STATEMENT //////////////////////

Page 2 of 2

Affiant's Initials

Key

OATH

I declare, under the pain and penalty of perjury, that the foregoing statement consisting of 2 page(s) is true and accurate to the best of my knowledge and belief.

Kirk Gitters
AFFIANT

Subscribed and sworn to before me this 5 day of March 2003.

Authorized by 5 U.S.C. 303
to Administer Oaths

[Signature]
Special Investigative Agent
Federal Bureau of Prisons
MDC Brooklyn

J.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
MDC Brooklyn, New York 11232

A F F I D A V I T

County of Kings)

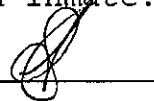
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State of New York)

I Alfred Santana of the Metropolitan Detention Center (MDC), Brooklyn, New York, make this statement freely without any promises or assurances:

1. That I have not taken any medication which would preclude me from providing a truthful statement, nor have I consumed any alcoholic beverages nor any illicit drugs prior to being interviewed.
2. That I do not have a recording device on my person or in my effects and I have been informed that this interview is not being recorded.
3. That I understand this is an official investigation and should cooperate fully by providing all pertinent information I may have. I understand that I have a duty to reply to questions in this investigation, and disciplinary action, including dismissal, may be undertaken if I refuse to answer or fail to reply fully and truthfully to each question.
4. That I have cooperated fully with this investigation and I do not know of or have any additional information, that I have not already mentioned, concerning this case. I have been informed that I am not to discuss this interview without the permission of this investigator. I further understand that if I improperly discuss this matter, I may face adverse action to include removal from employment.
5. I understand this interview and affidavit is concerning the events that took place on November 13, 2002. It is alleged that I witnessed a staff member physically abuse an inmate.

Page of 20⁵² Affiant's Initials



U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
MDC Brooklyn, Brooklyn, New York 11232

A F F I D A V I T continued:

6. I am employed as a Correctional Officer at the Metropolitan Detention Center in Brooklyn, New York.

7. I was making rounds on the range and inmate George informed me that he was going to hang himself. I ran to the telephone to call Lieutenant Tassio for assistance. I then went back to inmate George's cell and he had sheet tied to the tee bar in the cell and was putting the sheet around his neck. I opened the cell door when Captain Lopresti, Lieutenant Tassio, Officer Peterson, and Officer Roseberry arrived on the range. We entered the cell to remove the sheet from inmate George's neck and he became combative. He struck the Captain in his face. We then placed inmate George on the ground and he continued to struggle with us. We placed inmate George in restraints and gained control of him. We then escorted inmate George to be examined by medical staff. I did not witness any staff member physically abuse inmate George.

////////////////// END OF STATEMENT ////////////////////
Page 2 of 2 Affiant's Initials *Q*

OATH


I declare, under the pain and penalty of perjury, that the foregoing statement consisting of 2 page(s) is true and accurate to the best of my knowledge and belief.



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